

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

KATIE M. KONONEN,

Plaintiff,

Case No. 6:21-cv-00171-AA
OPINION AND ORDER

vs.

OREGON HEALTH AUTHORITY;
CAPITAL DENTAL INSURANCE;
CAPITOL DENTAL CARE INC.,

Defendants.

AIKEN, District Judge:

Plaintiff Katie M. Kononen brings this action pro se and seeks leave to proceed in forma pauperis (“IFP”). Doc. 2. On February 9, 2021, the Court dismissed the Complaint with leave to amend within 30 days pursuant to 28 U.S.C. § 1915(e)(2)(B). Doc. 7. Thereafter, plaintiff filed several batches of documents in this case. Docs. 9, 12. Each time, the Court issued orders explaining that the documents did not include the information needed to be considered as an amended complaint. Docs. 8, 11. On March 25, 2021, the Court ordered plaintiff to show cause in writing why the Court should not dismiss the action for her failure to prosecute or file an amended complaint within 14 days. Doc. 10. Plaintiff filed a Response to the Show Cause Order (doc. 13) on April 2, 2021, and an Amended Complaint (doc. 14) on April 6, 2021.

The Court has reviewed the Amended Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and has determined that it, like the original Complaint, must be dismissed for lack of jurisdiction. Unlike the Complaint, which asserted federal question jurisdiction based on 10 U.S.C. § 2733(a), the Amended Complaint does not assert any basis for jurisdiction. However, it appears to assert a claim for “medical negligence,” doc. 14 at 2, which is a state law matter and, thus, fails to invoke federal question jurisdiction. As explained in the last IFP screening Opinion, to establish diversity jurisdiction, plaintiff must allege diversity of citizenship and that damages are more than \$75,000. Doc. 7 at 1. But the Amended Complaint fails to include any allegations concerning the citizenship of the parties or the amount of damages and, in any event, all parties appear to be citizens of Oregon.

Accordingly, this Court lacks jurisdiction over plaintiff’s claims and the Amended Complaint must be DISMISSED and plaintiff’s IFP Application (doc. 2) is DENIED. *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 506 (2006); Fed. R. Civ. P. 12(b)(1), 12(h)(3). Because the Court already provided plaintiff with notice of this particular deficiency and the opportunity to amend, this dismissal is without leave to amend and a judgment shall be entered accordingly. *Karim-Panahi v. Los Angeles Police Dep’t*, 839 F.2d 631, 623 (9th Cir. 1988).

IT IS SO ORDERED and DATED this 8th day of April 2021.

/s/Ann Aiken

Ann Aiken
United States District Judge